

**Senator Derrin R. Owens** proposes the following substitute bill:

**CORRECTIONS MODIFICATIONS**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Derrin R. Owens**

House Sponsor: Jefferson S. Burton

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**LONG TITLE**

**General Description:**

This bill amends provisions related to the Department of Corrections.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ clarifies the roles of county sheriffs and the Department of Corrections regarding the detention of probationers and parolees who have allegedly violated a condition of probation or parole;
- ▶ prohibits a county jail from releasing an individual booked on an allegation of violating probation or parole if the Department of Corrections has placed a hold on that individual under certain circumstances;
- ▶ clarifies that the Department of Health and Human Services shall provide comprehensive health care to inmates at each health care facility owned or operated by the Department of Corrections;
- ▶ directs the Department of Corrections to create a reentry division that focuses on the successful reentry of inmates into the community;
- ▶ allows the Department of Corrections to use an inmate supervision model other than a direct supervision model in certain circumstances;



- 26           ▶ clarifies the role of the Department of Corrections in probation supervision;
- 27           ▶ provides that the executive director of the Department of Corrections may authorize
- 28 the personal off-duty use of state vehicles;
- 29           ▶ removes an internal Department of Corrections audit requirement of certain
- 30 programs; and
- 31           ▶ makes technical and conforming changes.

32 **Money Appropriated in this Bill:**

33           None

34 **Other Special Clauses:**

35           This bill provides a special effective date.

36 **Utah Code Sections Affected:**

37 AMENDS:

- 38           17-22-5.5, as last amended by Laws of Utah 2022, Chapter 115
- 39           26B-4-325, as enacted by Laws of Utah 2023, Chapter 322
- 40           64-13-6, as last amended by Laws of Utah 2023, Chapter 177
- 41           64-13-14, as last amended by Laws of Utah 2021, Chapter 246
- 42           64-13-21, as last amended by Laws of Utah 2022, Chapter 187
- 43           64-13-25, as last amended by Laws of Utah 2023, Chapter 155
- 44           64-13-29, as last amended by Laws of Utah 2022, Chapter 115
- 45           64-13-43, as enacted by Laws of Utah 2008, Chapter 368
- 46           77-20-203, as last amended by Laws of Utah 2023, Chapter 408
- 47           77-20-204, as last amended by Laws of Utah 2023, Chapters 34, 408

48 ENACTS:

- 49           17-22-5.6, Utah Code Annotated 1953



51 *Be it enacted by the Legislature of the state of Utah:*

52           Section 1. Section 17-22-5.5 is amended to read:

53           **17-22-5.5. Sheriff's classification of jail facilities -- Maximum operating capacity**  
54 **of jail facilities -- Transfer or release of prisoners -- Limitation -- Records regarding**  
55 **release.**

56           (1) (a) Except as provided in Subsection (4), a county sheriff shall determine:

57 (i) subject to Subsection (1)(b), the classification of each jail facility or section of a jail  
58 facility under the sheriff's control;

59 (ii) the nature of each program conducted at a jail facility under the sheriff's control;  
60 and

61 (iii) the internal operation of a jail facility under the sheriff's control.

62 (b) A classification under Subsection (1)(a)(i) of a jail facility may not violate any  
63 applicable zoning ordinance or conditional use permit of the county or municipality.

64 (2) Except as provided in Subsection (4), each county sheriff shall:

65 (a) with the approval of the county legislative body, establish a maximum operating  
66 capacity for each jail facility under the sheriff's control, based on facility design and staffing;  
67 and

68 (b) upon a jail facility reaching the jail facility's maximum operating capacity:

69 (i) transfer prisoners to another appropriate facility:

70 (A) under the sheriff's control; or

71 (B) available to the sheriff by contract;

72 (ii) release prisoners:

73 (A) to a supervised release program, according to release criteria established by the  
74 sheriff; or

75 (B) to another alternative incarceration program developed by the sheriff; or

76 (iii) admit prisoners in accordance with law and a uniform admissions policy imposed  
77 equally upon all entities using the county jail.

78 (3) (a) The sheriff shall keep records of the release status and the type of release  
79 program or alternative incarceration program for any prisoner released under Subsection  
80 (2)(b)(ii).

81 (b) The sheriff shall make these records available upon request to the Department of  
82 Corrections, the Judiciary, and the Commission on Criminal and Juvenile Justice.

83 (4) This section may not be construed to authorize a sheriff to modify provisions of a  
84 contract with the Department of Corrections to house in a county jail an individual sentenced to  
85 the Department of Corrections.

86 (5) Regardless of whether a jail facility has reached the jail facility's maximum  
87 operating capacity under Subsection (2), a sheriff may release an individual from a jail facility

88 in accordance with Section [77-20-203](#) or [77-20-204](#).

89 ~~[(6) (a) Subject to Subsection (6)(c), a jail facility shall detain an individual for up to~~  
90 ~~24 hours from booking if:]~~

91 ~~[(i) the individual is on supervised probation or parole and that information is~~  
92 ~~reasonably available; and]~~

93 ~~[(ii) the individual was arrested for:]~~

94 ~~[(A) a violent felony as defined in Section [76-3-203.5](#); or]~~

95 ~~[(B) a qualifying domestic violence offense as defined in Subsection [77-36-1.1\(4\)](#) that~~  
96 ~~is not a criminal mischief offense.]~~

97 ~~[(b) The jail facility shall notify the entity supervising the individual's probation or~~  
98 ~~parole that the individual is being detained.]~~

99 ~~[(c) (i) The jail facility shall release the individual:]~~

100 ~~[(A) to the Department of Corrections if the Department of Corrections supervises the~~  
101 ~~individual and requests the individual's release; or]~~

102 ~~[(B) if a court or magistrate orders release.]~~

103 ~~[(ii) Nothing in this Subsection (6) prohibits a jail facility from holding the individual~~  
104 ~~in accordance with Title 77, Chapter 20, Bail, for new criminal conduct.]~~

105 Section 2. Section [17-22-5.6](#) is enacted to read:

106 **[17-22-5.6. Probation supervision -- Violation of probation -- Detention -- Hearing.](#)**

107 (1) As used in this section:

108 (a) "Probationer" means an individual on probation under the supervision of the county  
109 sheriff.

110 (b) (i) "Qualifying domestic violence offense" means the same as that term is defined  
111 in Subsection [77-36-1.1\(4\)](#).

112 (ii) "Qualifying domestic violence offense" does not include criminal mischief as  
113 described in Section [76-6-106](#).

114 (c) "Violent felony" means the same as that term is defined in Section [76-3-203.5](#).

115 (2) A county sheriff shall ensure that the court is notified of violations of the terms and  
116 conditions of a probationer's probation when the county sheriff determines that:

117 (a) incarceration is recommended as a sanction;

118 (b) a graduated and evidence-based response is not an appropriate response to the

119 offender's violation and recommends revocation of probation; or

120 (c) there is probable cause that the conduct that led to a violation of probation is:

121 (i) a violent felony; or

122 (ii) a qualifying domestic violence offense.

123 (3) A county sheriff may take custody of, and detain, a probationer for a maximum of  
124 72 hours, excluding weekends and holidays, if:

125 (a) the probationer commits a major violation or repeated violations of probation;

126 (b) it is unlikely that the court will conduct a hearing within a reasonable time to

127 determine if the probationer has violated the conditions of probation; and

128 (c) the county sheriff conducts a hearing, within a reasonable time, to determine if

129 there is probable cause to believe the probationer has violated the conditions of probation,

130 unless the hearing is waived by the probationer.

131 (4) If the requirements for Subsection (3) are met, the county sheriff shall ensure the  
132 proper court is notified.

133 (5) A written order from the county sheriff is sufficient authorization for a peace  
134 officer to incarcerate a probationer if the county sheriff has determined that there is probable  
135 cause to believe that the probationer has violated the conditions of probation.

136 (6) If a probationer commits a violation outside of the jurisdiction of the county sheriff  
137 supervising the probationer, the arresting law enforcement agency is not required to hold or  
138 transport the probationer to the county sheriff.

139 Section 3. Section **26B-4-325** is amended to read:

140 **26B-4-325. Medical care for inmates.**

141 As used in this section:

142 (1) "Correctional facility" means a facility operated to house inmates in a secure or  
143 nonsecure setting:

144 (a) by the Department of Corrections; or

145 (b) under a contract with the Department of Corrections.

146 (2) "Health care facility" means the same as that term is defined in Section [26B-2-201](#).

147 (3) "Inmate" means an individual who is:

148 (a) committed to the custody of the Department of Corrections; and

149 (b) housed at a correctional facility or at a county jail at the request of the Department

150 of Corrections.

151 (4) "Medical monitoring technology" means a device, application, or other technology  
152 that can be used to improve health outcomes and the experience of care for patients, including  
153 evidence-based clinically evaluated software and devices that can be used to monitor and treat  
154 diseases and disorders.

155 (5) "Terminally ill" means the same as that term is defined in Section [31A-36-102](#).

156 (6) The department shall:

157 (a) for each health care facility owned or operated by the Department of Corrections,

158 assist the Department of Corrections in complying with Section [64-13-39](#); and

159 ~~[(b) create policies and procedures for providing services to inmates; and]~~

160 ~~[(c)]~~ (b) in coordination with the Department of Corrections~~[-]~~, and as the Department  
161 of Correction's agent:

162 (i) create policies and procedures for providing comprehensive health care to inmates;

163 (ii) provide inmates with comprehensive health care; and

164 (iii) develop standard population indicators and performance measures relating to the  
165 health of inmates.

166 (7) In providing the comprehensive health care described in Subsection (6)(b)(ii), the  
167 department may not, without entering into an agreement with the Department of Corrections,  
168 provide, operate, or manage any treatment plans for inmates that are:

169 (a) required to be provided, operated, or managed by the Department of Corrections in  
170 accordance with Section [64-13-6](#); and

171 (b) not related to the comprehensive health care provided by the department.

172 ~~[(7)]~~ (8) Beginning July 1, 2023, and ending June 30, 2024, the department shall:

173 (a) evaluate and study the use of medical monitoring technology and create a plan for a  
174 pilot program that identifies:

175 (i) the types of medical monitoring technology that will be used during the pilot  
176 program; and

177 (ii) eligibility for participation in the pilot program; and

178 (b) make the indicators and performance measures described in Subsection ~~[(6)(c)]~~

179 (6)(b)(iii) available to the public through the Department of Corrections and the department  
180 websites.

181           ~~[(8)]~~ (9) Beginning July 1, 2024, and ending June 30, 2029, the department shall  
182 implement the pilot program.

183           ~~[(9)]~~ (10) The department shall submit to the Health and Human Services Interim  
184 Committee and the Law Enforcement and Criminal Justice Interim Committee:

185           (a) a report on or before October 1 of each year regarding the costs and benefits of the  
186 pilot program;

187           (b) a report that summarizes the indicators and performance measures described in  
188 Subsection ~~[(6)(c)]~~ (6)(b)(iii) on or before October 1, 2024; and

189           (c) an updated report before October 1 of each year that compares the indicators and  
190 population measures of the most recent year to the initial report described in Subsection  
191 ~~[(9)(b)]~~ (10)(b).

192           (11) An inmate receiving comprehensive health care from the department remains in  
193 the custody of the Department of Corrections.

194           Section 4. Section **64-13-6** is amended to read:

195           **64-13-6. Department duties.**

196           (1) The department shall:

197           (a) protect the public through institutional care and confinement, and supervision in the  
198 community of offenders where appropriate;

199           (b) implement court-ordered punishment of offenders;

200           (c) provide evidence-based and evidence-informed program opportunities for offenders  
201 designed to reduce offenders' criminogenic and recidivism risks, including behavioral,  
202 cognitive, educational, and career-readiness program opportunities;

203           (d) ensure that offender participation in all program opportunities described in  
204 Subsection (1)(c) is voluntary;

205           (e) where appropriate, utilize offender volunteers as mentors in the program  
206 opportunities described in Subsection (1)(c);

207           (f) provide treatment for sex offenders who are found to be treatable based upon  
208 criteria developed by the department;

209           (g) provide the results of ongoing clinical assessment of sex offenders and objective  
210 diagnostic testing to sentencing and release authorities;

211           (h) manage programs that take into account the needs and interests of victims, where

212 reasonable;

213 (i) supervise probationers and parolees as directed by statute and implemented by the  
214 courts and the Board of Pardons and Parole;

215 (j) subject to Subsection [~~(2)~~] (3), investigate criminal conduct involving offenders  
216 incarcerated in a state correctional facility;

217 (k) cooperate and exchange information with other state, local, and federal law  
218 enforcement agencies to achieve greater success in prevention and detection of crime and  
219 apprehension of criminals;

220 (l) implement the provisions of Title 77, Chapter 28c, Interstate Compact for Adult  
221 Offender Supervision;

222 (m) establish a case action plan based on appropriate validated risk, needs, and  
223 responsibility assessments for each offender as follows:

224 (i) (A) if an offender is to be supervised in the community, the department shall  
225 establish a case action plan for the offender no later than 60 days after the day on which the  
226 department's community supervision of the offender begins; and

227 (B) if the offender is committed to the custody of the department, the department shall  
228 establish a case action plan for the offender no later than 90 days after the day on which the  
229 offender is committed to the custody of the department;

230 (ii) each case action plan shall integrate an individualized, evidence-based, and  
231 evidence-informed treatment and program plan with clearly defined completion requirements;

232 (iii) the department shall share each newly established case action plan with the  
233 sentencing and release authority within 30 days after the day on which the case action plan is  
234 established; and

235 (iv) the department shall share any changes to a case action plan, including any change  
236 in an offender's risk assessment, with the sentencing and release authority within 30 days after  
237 the day of the change;

238 (n) ensure that any training or certification required of a public official or public  
239 employee, as those terms are defined in Section 63G-22-102, complies with Title 63G, Chapter  
240 22, State Training and Certification Requirements, if the training or certification is required:

241 (i) under this title;

242 (ii) by the department; or

243 (iii) by an agency or division within the department; [~~and~~]

244 (o) when reporting on statewide recidivism, include the metrics and requirements  
245 described in Section [63M-7-102](#); and

246 (p) create a reentry division that focuses on the successful reentry of inmates into the  
247 community.

248 (2) The department may in the course of supervising probationers and parolees:

249 (a) respond in accordance with the graduated and evidence-based processes established  
250 by the Utah Sentencing Commission under Subsection [63M-7-404\(6\)](#), to an individual's  
251 violation of one or more terms of the probation or parole; and

252 (b) upon approval by the court or the Board of Pardons and Parole, impose as a  
253 sanction for an individual's violation of the terms of probation or parole a period of  
254 incarceration of not more than three consecutive days and not more than a total of five days  
255 within a period of 30 days.

256 (3) (a) By following the procedures in Subsection (3)(b), the department may  
257 investigate the following occurrences at state correctional facilities:

258 (i) criminal conduct of departmental employees;

259 (ii) felony crimes resulting in serious bodily injury;

260 (iii) death of any person; or

261 (iv) aggravated kidnaping.

262 (b) Before investigating any occurrence specified in Subsection (3)(a), the department  
263 shall:

264 (i) notify the sheriff or other appropriate law enforcement agency promptly after  
265 ascertaining facts sufficient to believe an occurrence specified in Subsection (3)(a) has  
266 occurred; and

267 (ii) obtain consent of the sheriff or other appropriate law enforcement agency to  
268 conduct an investigation involving an occurrence specified in Subsection (3)(a).

269 (4) Upon request, the department shall provide copies of investigative reports of  
270 criminal conduct to the sheriff or other appropriate law enforcement agencies.

271 (5) (a) The executive director of the department, or the executive director's designee if  
272 the designee possesses expertise in correctional programming, shall consult at least annually  
273 with cognitive and career-readiness staff experts from the Utah system of higher education and

274 the State Board of Education to review the department's evidence-based and evidence-informed  
275 treatment and program opportunities.

276 (b) Beginning in the 2022 interim, the department shall provide an annual report to the  
277 Law Enforcement and Criminal Justice Interim Committee regarding the department's  
278 implementation of and offender participation in evidence-based and evidence-informed  
279 treatment and program opportunities designed to reduce the criminogenic and recidivism risks  
280 of offenders over time.

281 (6) (a) As used in this Subsection (6):

282 (i) "Accounts receivable" means any amount owed by an offender arising from a  
283 criminal judgment that has not been paid.

284 (ii) "Accounts receivable" includes unpaid fees, overpayments, fines, forfeitures,  
285 surcharges, costs, interest, penalties, restitution to victims, third-party claims, claims,  
286 reimbursement of a reward, and damages that an offender is ordered to pay.

287 (b) The department shall collect and disburse, with any interest and any other costs  
288 assessed under Section 64-13-21, an accounts receivable for an offender during:

289 (i) the parole period and any extension of that period in accordance with Subsection  
290 (6)(c); and

291 (ii) the probation period for which the court orders supervised probation and any  
292 extension of that period by the department in accordance with Subsection 77-18-105(7).

293 (c) (i) If an offender has an unpaid balance of the offender's accounts receivable at the  
294 time that the offender's sentence expires or terminates, the department shall be referred to the  
295 sentencing court for the sentencing court to enter a civil judgment of restitution and a civil  
296 accounts receivable as described in Section 77-18-114.

297 (ii) If the board makes an order for restitution within 60 days from the day on which  
298 the offender's sentence expires or terminates, the board shall refer the order for restitution to  
299 the sentencing court to be entered as a civil judgment of restitution as described in Section  
300 77-18-114.

301 (d) This Subsection (6) only applies to offenders sentenced before July 1, 2021.

302 Section 5. Section 64-13-14 is amended to read:

303 **64-13-14. Secure correctional facilities.**

304 (1) The department shall maintain and operate secure correctional facilities for the

305 incarceration of offenders.

306 (2) For each compound of secure correctional facilities, as established by the executive  
307 director, wardens shall be appointed as the chief administrative officers by the executive  
308 director.

309 (3) The department may transfer offenders from one correctional facility to another and  
310 may, with the consent of the sheriff, transfer any offender to a county jail.

311 (4) Where new or modified facilities are designed appropriately, the department shall  
312 implement an evidence-based direct supervision system in accordance with Subsections (5) and  
313 (6).

314 (5) A direct supervision system shall be designed to meet the goals of:

315 (a) reducing offender violence;

316 (b) enhancing offenders' participation in treatment, program, and work opportunities;

317 (c) managing and reducing offender risk;

318 (d) promoting pro-social offender behaviors;

319 (e) providing a tiered-housing structure that:

320 (i) rewards an offender's pro-social behaviors and progress toward the completion  
321 requirements of the offender's individual case action plan with less restrictive housing and  
322 increased privileges; and

323 (ii) houses similarly behaving offenders together; and

324 (f) reducing departmental costs.

325 (6) A direct supervision system shall include the following elements:

326 (a) department staff will interact continuously with offenders to actively manage  
327 offenders' behavior and to identify problems at early stages;

328 (b) department staff will use management techniques designed to prevent and  
329 discourage negative offender behavior and encourage positive offender behavior;

330 (c) department staff will establish and maintain a professional supervisory relationship  
331 with offenders; and

332 (d) barriers separating department staff and offenders shall be removed.

333 (7) (a) Notwithstanding Subsection (4), the department may implement a supervision  
334 model other than the direct supervision model described in Subsection (4) if the executive  
335 director:

336 (i) determines that the direct supervision model endangers:  
 337 (A) the health and safety of the inmates or correctional facility staff; or  
 338 (B) the security of the correctional facility; and  
 339 (ii) creates a policy detailing what the supervision model will be and why that model  
 340 will increase the health and safety of the inmates or correctional facility staff or the security of  
 341 the correctional facility over a direct supervision model.

342 (b) The department shall post on the department's website:  
 343 (i) the executive director's determinations regarding the dangers of using a direct  
 344 supervision model as described in Subsection (7)(a)(i); and  
 345 (ii) the policy detailing the supervision model to be used as described in Subsection  
 346 (7)(a)(ii).

347 ~~[(7)]~~ (8) ~~[Beginning in the 2022 interim, the]~~ The department shall provide an annual  
 348 report to the Law Enforcement and Criminal Justice Interim Committee regarding:

349 (a) the status of the implementation of direct supervision; and  
 350 (b) if applicable, the implementation of a supervision model other than the direct  
 351 supervision model as described in Subsection (7).

352 Section 6. Section **64-13-21** is amended to read:

353 **64-13-21. Supervision of sentenced offenders placed in community -- Rulemaking**  
 354 **-- POST certified parole or probation officers and peace officers -- Duties -- Supervision**  
 355 **fee.**

356 (1) (a) The department, except as otherwise provided by law, shall supervise a  
 357 sentenced ~~[offenders]~~ offender placed in the community if the offender:

358 (i) (A) is placed on probation by ~~[the courts,]~~ a court;  
 359 (B) is released on parole by the Board of Pardons and Parole~~[-];~~ or  
 360 (C) ~~[upon acceptance]~~ is accepted for supervision under the terms of the Interstate  
 361 Compact for the Supervision of Parolees and Probationers~~[-];~~ and

362 (ii) has been convicted of:  
 363 (A) a felony;  
 364 (B) a class A misdemeanor when an element of the offense is the use or attempted use  
 365 of physical force against an individual or property; or  
 366 (C) except as provided in Subsection (1)(a)(ii)(B), a class A misdemeanor if the

367 department is ordered by a court to supervise the offender under Section 77-18-105.

368 (b) If a sentenced offender participates in substance use treatment or a residential,  
369 vocational and life skills program, as defined in Section 13-53-102, while under supervision on  
370 probation or parole, the department shall monitor the offender's compliance with and  
371 completion of the treatment or program.

372 (c) The department shall establish standards for:

373 (i) the supervision of offenders in accordance with sentencing guidelines and  
374 supervision length guidelines, including the graduated and evidence-based responses,  
375 established by the Utah Sentencing Commission, giving priority, based on available resources,  
376 to felony offenders and offenders sentenced under Subsection 58-37-8 (2)(b)(ii); and

377 (ii) the monitoring described in Subsection (1)(b).

378 (2) The department shall apply the graduated and evidence-based responses established  
379 by the Utah Sentencing Commission to facilitate a prompt and appropriate response to an  
380 individual's violation of the terms of probation or parole, including:

381 (a) sanctions to be used in response to a violation of the terms of probation or parole;  
382 and

383 (b) requesting approval from the court or Board of Pardons and Parole to impose a  
384 sanction for an individual's violation of the terms of probation or parole, for a period of  
385 incarceration of not more than three consecutive days and not more than a total of [~~five~~] six  
386 days within a period of 30 days.

387 (3) The department shall implement a program of graduated incentives as established  
388 by the Utah Sentencing Commission to facilitate the department's prompt and appropriate  
389 response to an offender's:

390 (a) compliance with the terms of probation or parole; or

391 (b) positive conduct that exceeds those terms.

392 (4) (a) The department shall, in collaboration with the State Commission on Criminal  
393 and Juvenile Justice and the Division of Substance Abuse and Mental Health, create standards  
394 and procedures for the collection of information, including cost savings related to recidivism  
395 reduction and the reduction in the number of inmates, related to the use of the graduated and  
396 evidence-based responses and graduated incentives, and offenders' outcomes.

397 (b) The collected information shall be provided to the State Commission on Criminal

398 and Juvenile Justice not less frequently than annually on or before August 31.

399 (5) Employees of the department who are POST certified as law enforcement officers  
400 or correctional officers and who are designated as parole and probation officers by the  
401 executive director have the following duties:

402 (a) monitoring, investigating, and supervising a parolee's or probationer's compliance  
403 with the conditions of the parole or probation agreement;

404 (b) investigating or apprehending any offender who has escaped from the custody of  
405 the department or absconded from supervision;

406 (c) supervising any offender during transportation; or

407 (d) collecting DNA specimens when the specimens are required under Section  
408 [53-10-404](#).

409 (6) (a) (i) A monthly supervision fee of \$30 shall be collected from each offender on  
410 probation or parole.

411 (ii) The fee described in Subsection (6)(a)(i) may be suspended or waived by the  
412 department upon a showing by the offender that imposition would create a substantial hardship  
413 or if the offender owes restitution to a victim.

414 (b) (i) The department shall make rules in accordance with Title 63G, Chapter 3, Utah  
415 Administrative Rulemaking Act, specifying the criteria for suspension or waiver of the  
416 supervision fee and the circumstances under which an offender may request a hearing.

417 (ii) In determining whether the imposition of the supervision fee would constitute a  
418 substantial hardship, the department shall consider the financial resources of the offender and  
419 the burden that the fee would impose, with regard to the offender's other obligations.

420 (7) (a) For offenders placed on probation under Section [77-18-105](#) or parole under  
421 Subsection [76-3-202](#)(2)(a) on or after October 1, 2015, but before January 1, 2019, the  
422 department shall establish a program allowing an offender to earn credits for the offender's  
423 compliance with the terms of the offender's probation or parole, which shall be applied to  
424 reducing the period of probation or parole as provided in this Subsection (7).

425 (b) The program shall provide that an offender earns a reduction credit of 30 days from  
426 the offender's period of probation or parole for each month the offender completes without any  
427 violation of the terms of the offender's probation or parole agreement, including the case action  
428 plan.

429 (c) The department shall maintain a record of credits earned by an offender under this  
430 Subsection (7) and shall request from the court or the Board of Pardons and Parole the  
431 termination of probation or parole not fewer than 30 days prior to the termination date that  
432 reflects the credits earned under this Subsection (7).

433 (d) This Subsection (7) does not prohibit the department from requesting a termination  
434 date earlier than the termination date established by earned credits under Subsection (7)(c).

435 (e) The court or the Board of Pardons and Parole shall terminate an offender's  
436 probation or parole upon completion of the period of probation or parole accrued by time  
437 served and credits earned under this Subsection (7) unless the court or the Board of Pardons  
438 and Parole finds that termination would interrupt the completion of a necessary treatment  
439 program, in which case the termination of probation or parole shall occur when the treatment  
440 program is completed.

441 (f) The department shall report annually to the State Commission on Criminal and  
442 Juvenile Justice on or before August 31:

443 (i) the number of offenders who have earned probation or parole credits under this  
444 Subsection (7) in one or more months of the preceding fiscal year and the percentage of the  
445 offenders on probation or parole during that time that this number represents;

446 (ii) the average number of credits earned by those offenders who earned credits;

447 (iii) the number of offenders who earned credits by county of residence while on  
448 probation or parole;

449 (iv) the cost savings associated with sentencing reform programs and practices; and

450 (v) a description of how the savings will be invested in treatment and

451 early-intervention programs and practices at the county and state levels.

452 Section 7. Section **64-13-25** is amended to read:

453 **64-13-25. Standards for programs -- Audits.**

454 (1) (a) To promote accountability and to ensure safe and professional operation of  
455 correctional programs, the department shall establish minimum standards for the organization  
456 and operation of the department's programs, including collaborating with the Department of  
457 Health and Human Services to establish minimum standards for programs providing assistance  
458 for individuals involved in the criminal justice system.

459 (b) (i) The department shall promulgate the standards according to state rulemaking

460 provisions.

461 (ii) Those standards that apply to offenders are exempt from the provisions of Title  
462 63G, Chapter 3, Utah Administrative Rulemaking Act.

463 (iii) Offenders are not a class of persons under Title 63G, Chapter 3, Utah  
464 Administrative Rulemaking Act.

465 (c) The standards shall provide for inquiring into and processing offender complaints.

466 (d) (i) The department shall establish minimum standards and qualifications for  
467 treatment programs provided in county jails to which persons committed to the state prison are  
468 placed by jail contract under Section [64-13e-103](#).

469 (ii) In establishing the standards and qualifications for the treatment programs, the  
470 department shall:

471 (A) consult and collaborate with the county sheriffs and the Office of Substance Use  
472 and Mental Health; and

473 (B) include programs demonstrated by recognized scientific research to reduce  
474 recidivism by addressing an offender's criminal risk factors as determined by a risk and needs  
475 assessment.

476 (iii) All jails contracting to house offenders committed to the state prison shall meet the  
477 minimum standards for treatment programs as established under this Subsection (1)(d).

478 (e) (i) The department shall establish minimum standards for sex offense treatment,  
479 which shall include the requirements under Subsection [64-13-7.5\(3\)](#) regarding licensure and  
480 competency.

481 (ii) The standards shall require the use of evidence-based practices to address criminal  
482 risk factors as determined by validated assessments.

483 (iii) The department shall collaborate with the Office of Substance Use and Mental  
484 Health to develop and effectively distribute the standards to jails and to mental health  
485 professionals who desire to provide mental health treatment for sex offenders.

486 (iv) The department shall establish the standards by administrative rule in accordance  
487 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

488 (2) (a) The department shall establish a certification process for public and private  
489 providers of treatment for sex offenders on probation or parole that requires the providers' sex  
490 offense treatment practices meet the standards and practices established under Subsection

491 (1)(e)(i) with the goal of reducing sex offender recidivism.

492 (b) The department shall collaborate with the Office of Substance Use and Mental  
493 Health to develop, coordinate, and implement the certification process.

494 (c) The department shall base the certification process on the standards under  
495 Subsection (1)(e)(i) and require renewal of certification every two years.

496 (d) All public and private providers of sex offense treatment, including those providing  
497 treatment to offenders housed in county jails by contract under Section 64-13e-103, shall  
498 comply with the standards in order to begin receiving or continue receiving payment from the  
499 department to provide sex offense treatment.

500 (e) The department shall establish the certification program by administrative rule in  
501 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

502 [~~(3)~~(a) The department shall establish an audit process to ensure compliance with sex  
503 offense and substance use treatment standards established under this section in accordance with  
504 the department's policies and procedures.]

505 [~~(b)~~ At least every three years, the department shall internally audit sex offense and  
506 substance use treatment programs for compliance with standards established under this  
507 section.]

508 [~~(c)~~ The individuals undertaking the audit shall provide a written report to the  
509 managers of the programs audited and to the executive director of the department.]

510 [~~(d)~~ The department's internal audit reports shall:]

511 [(i) be classified as confidential internal working papers; and]

512 [(ii) be accessible at the discretion of the executive director or the governor, or upon  
513 court order.]

514 [~~(4)~~] (3) The department:

515 (a) shall establish performance goals and outcome measurements for all programs that  
516 are subject to the minimum standards established under this section and collect data to analyze  
517 and evaluate whether the goals and measurements are attained;

518 (b) shall collaborate with the Office of Substance Use and Mental Health to develop  
519 and coordinate the performance goals and outcome measurements, including recidivism rates  
520 and treatment success and failure rates;

521 (c) may use the data collected under Subsection [~~(4)(b)~~] (3)(b) to make decisions on the

522 use of funds to provide treatment for which standards are established under this section;

523 (d) shall collaborate with the Office of Substance Use and Mental Health to track a  
524 subgroup of participants to determine if there is a net positive result from the use of treatment  
525 as an alternative to incarceration;

526 (e) shall collaborate with the Office of Substance Use and Mental Health to evaluate  
527 the costs, including any additional costs, and the resources needed to attain the performance  
528 goals established for the use of treatment as an alternative to incarceration; and

529 (f) shall annually provide data collected under this Subsection [~~(4)~~] (3) to the State  
530 Commission on Criminal and Juvenile Justice on or before August 31.

531 [~~(5)~~] (4) The State Commission on Criminal and Juvenile Justice shall compile a  
532 written report of the findings based on the data collected under Subsection [~~(4)~~] (3) and provide  
533 the report to the legislative Judiciary Interim Committee, the Health and Human Services  
534 Interim Committee, the Law Enforcement and Criminal Justice Interim Committee, and the  
535 related appropriations subcommittees.

536 Section 8. Section **64-13-29** is amended to read:

537 **64-13-29. Violation of parole or probation -- Detention -- Hearing.**

538 (1) As used in this section:

539 (a) "72-hour hold" means a directive from the department:

540 (i) prohibiting the release of a parolee or probationer from correctional custody who  
541 has entered correctional custody due to a violation of a condition of parole or probation; and

542 (ii) lasting for a maximum of 72 hours, excluding weekends or holidays, from the time  
543 the parolee or probationer entered correctional custody.

544 (b) "Correctional custody" means when a parolee or probationer is physically detained  
545 in a county jail or a correctional facility operated by the department.

546 (c) "Parolee" means an individual on parole under the supervision of the department.

547 (d) (i) "Qualifying domestic violence offense" means the same as that term is defined  
548 in Subsection 77-36-1.1(4).

549 (ii) "Qualifying domestic violence offense" does not include criminal mischief as  
550 described in Section 76-6-106.

551 (e) "Probationer" means an individual on probation under the supervision of the  
552 department.

553 (f) "Violent felony" means the same as that term is defined in Section 76-3-203.5.

554 ~~[(a)]~~ (2) The department ~~[or local law enforcement agency]~~ shall ensure that the court  
555 is notified of violations of the terms and conditions of probation in the case of probationers  
556 under the supervision of the department~~[, the local law enforcement agency,]~~ or the Board of  
557 Pardons and Parole in the case of parolees under the department's supervision when:

558 ~~[(i)]~~ (a) ~~[a sanction of]~~ incarceration is recommended as a sanction;

559 ~~[(ii)]~~ (b) the department ~~[or local law enforcement agency]~~ determines that a graduated  
560 and evidence-based response is not an appropriate response to the ~~[offender's]~~ violation and  
561 recommends revocation of probation or parole; or

562 ~~[(iii)]~~ (c) there is probable cause that the conduct that led to a violation of parole or  
563 probation is:

564 ~~[(A)]~~ (i) a violent felony ~~[as defined in Section 76-3-203.5]~~; or

565 ~~[(B)]~~ (ii) a qualifying domestic violence offense ~~[as defined in Subsection 77-36-1.1(4)~~  
566 ~~that is not a criminal mischief offense.].~~

567 ~~[(b) In cases where the department desires to detain an offender alleged to have~~  
568 ~~violated his parole or probation and where it is unlikely that the Board of Pardons and Parole or~~  
569 ~~court will conduct a hearing within a reasonable time to determine if the offender has violated~~  
570 ~~his conditions of parole or probation, the department shall hold an administrative hearing~~  
571 ~~within a reasonable time, unless the hearing is waived by the parolee or probationer, to~~  
572 ~~determine if there is probable cause to believe that a violation has occurred.]~~

573 ~~[(c) If there is a conviction for a crime based on the same charges as the probation or~~  
574 ~~parole violation, or a finding by a federal or state court that there is probable cause to believe~~  
575 ~~that an offender has committed a crime based on the same charges as the probation or parole~~  
576 ~~violation, the department need not hold an administrative hearing.]~~

577 ~~[(2) The appropriate officer or officers of the department shall, as soon as practical~~  
578 ~~following the department's administrative hearing, report to the court or the Board of Pardons~~  
579 ~~and Parole, furnishing a summary of the hearing, and may make recommendations regarding~~  
580 ~~the disposition to be made of the parolee or probationer.]~~

581 ~~[(3)(a) Pending any proceeding under this section for a violation of probation or~~  
582 ~~parole, the department:]~~

583 ~~[(i) except as provided in Subsection (3)(b), may take custody of and detain the parolee~~

584 or probationer who committed the violation for a period not to exceed 72 hours excluding  
585 weekends and holidays; and]

586 [~~(ii) if the department or the department's agent has probable cause that the conduct~~  
587 ~~that led to the violation is an offense described in Subsection (1)(a)(iii), shall take custody of~~  
588 ~~and detain the parolee or probationer who committed the violation for a period not to exceed 72~~  
589 ~~hours excluding weekends and holidays.]~~

590 [~~(b) The 72-hour period described in this Subsection (3) is reduced by the amount of~~  
591 ~~time a probationer or parolee is detained under Subsection 17-22-5.5(6).]~~

592 [~~(4) In cases where probationers are supervised by a local law enforcement agency, the~~  
593 ~~agency may take custody of and detain the probationer involved for a period not to exceed 72~~  
594 ~~hours excluding weekends and holidays if:]~~

595 [~~(a) the probationer commits a major violation or repeated violations of probation;]~~

596 [~~(b) it is unlikely that the court will conduct a hearing within a reasonable time to~~  
597 ~~determine if the offender has violated the conditions of probation; and]~~

598 [~~(c) the law enforcement agency conducts an administrative hearing within a~~  
599 ~~reasonable time to determine if there is probable cause to believe the offender has violated the~~  
600 ~~conditions of probation, unless the hearing is waived by the probationer.]~~

601 [~~(5) If the requirements for Subsection (4) are met, the local law enforcement agency~~  
602 ~~shall ensure the proper court is notified:]~~

603 (3) (a) Except as provided in Subsection (3)(e), the department shall hold an  
604 administrative hearing, within a reasonable time, to determine if there is probable cause to  
605 believe that a probationer or parolee committed a violation of probation or parole if:

606 (i) the department seeks to detain, or have a county jail detain, the probationer or  
607 parolee for the violation; and

608 (ii) it is unlikely that the Board of Pardons and Parole or the court will conduct a  
609 hearing within a reasonable time to determine whether there is probable cause to believe the  
610 probationer or parolee committed a violation of probation or parole.

611 (b) A probationer or parolee may waive the administrative hearing described in  
612 Subsection (3)(a).

613 (c) The department shall:

614 (i) report to the Board of Pardons and Parole or the court as soon as practical following

615 the administrative hearing described in Subsection (3)(a); and

616 (ii) provide a summary of the hearing to the Board of Pardons and Parole or the court.

617 (d) The department may make recommendations regarding the disposition of the  
618 probationer or parolee in a report under Subsection (3)(c).

619 (e) The department may detain a probationer or parolee without an administrative  
620 hearing described in Subsection (3)(a) if:

621 (i) the parolee or probationer has been convicted of an offense that is based on the  
622 same charges as the violation of probation or parole; or

623 (ii) a court has found that probable cause exists to believe that the probationer or  
624 parolee has committed an offense that is based on the same charges as the violation of  
625 probation or parole.

626 ~~[(6)]~~ (4) (a) [H] The department may detain a probationer or parolee who has violated a  
627 condition of probation or parole for a reasonable period of time as necessary to arrange for the  
628 incarceration of the probationer or parolee if:

629 (i) the probationer or parolee waives the hearing as described in Subsection (3);

630 (ii) at an administrative hearing described in Subsection (3), the hearing officer  
631 determines that ~~[there is]~~ probable cause exists to believe that the ~~[offender]~~ probationer or  
632 parolee has violated ~~[the conditions of the offender's parole or probation, the department may~~  
633 detain the offender for a reasonable period of time after the hearing or waiver, as necessary to  
634 arrange for the incarceration of the offender.] a condition of probation or parole as described in  
635 Subsection (3); or

636 (iii) the department has determined that a hearing is not required as described in  
637 Subsection (3)(e).

638 (b) A written order of the department is sufficient authorization for any peace officer to  
639 incarcerate the ~~[offender. The department may promulgate rules for the implementation of this~~  
640 section] probationer or parolee.

641 ~~[(7) A written order from the local law enforcement agency is sufficient authorization~~  
642 ~~for any peace officer to incarcerate the offender if:]~~

643 ~~[(a) the probationers are supervised by a local law enforcement agency; and]~~

644 ~~[(b) the appropriate officer or officers determine that there is probable cause to believe~~  
645 ~~that the offender has violated the conditions of probation.]~~

646 ~~[(8) If a probationer supervised by a local law enforcement agency commits a violation~~  
647 ~~outside of the jurisdiction of the supervising agency, the arresting agency is not required to~~  
648 ~~hold or transport the probationer for the supervising agency.]~~

649 (5) Pending the holding of a hearing under Subsection (3)(a), the department:

650 (a) may place a 72-hour hold on a parolee or probationer who has allegedly committed  
651 a violation other than a violent felony or qualifying domestic violence offense; and

652 (b) shall place a 72-hour hold on a parolee or probationer who has allegedly committed  
653 a violent felony or qualifying domestic violence offense.

654 (6) The department may make rules as necessary to implement this section in  
655 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

656 Section 9. Section ~~64-13-43~~ is amended to read:

657 **64-13-43. Use of state vehicles by department personnel.**

658 The ~~[department]~~ executive director may authorize the use of a state vehicle for:

659 (1) official and commute purposes for a department employee who:

660 ~~[(+)]~~ (a) supervises probationers or parolees; or

661 ~~[(2)]~~ (b) investigates the criminal activity of inmates, probationers, or parolees[-]; and

662 (2) off-duty personal use.

663 Section 10. Section ~~77-20-203~~ is amended to read:

664 **77-20-203. County sheriff authority to release an individual from jail on own**  
665 **recognizance.**

666 (1) As used in this section:

667 (a) (i) "Qualifying domestic violence offense" means the same as that term is defined in  
668 Subsection [77-36-1.1\(4\)](#).

669 (ii) "Qualifying domestic violence offense" does not include criminal mischief as  
670 described in Section [76-6-106](#).

671 ~~[(a)]~~ (b) "Qualifying offense" means the same as that term is defined in Section  
672 [78B-7-801](#).

673 ~~[(b)]~~ (c) "Violent felony" means the same as that term is defined in Subsection  
674 ~~[76-3-203.5(1)(c)(i)]~~ [76-3-203.5](#).

675 (2) ~~[A]~~ Except as provided in Subsection (3), a county jail official may release an  
676 individual from a jail facility on the individual's own recognizance if:

- 677 (a) the individual was arrested without a warrant;
- 678 (b) the individual was not arrested for:
- 679 (i) a violent felony;
- 680 (ii) a qualifying offense;
- 681 (iii) the offense of driving under the influence or driving with a measurable controlled
- 682 substance in the body if the offense results in death or serious bodily injury to an individual; or
- 683 (iv) an offense described in Subsection 76-9-101(4);
- 684 (c) law enforcement has not submitted a probable cause statement to a court or
- 685 magistrate;
- 686 (d) the individual agrees in writing to appear for any future criminal proceedings
- 687 related to the arrest; and
- 688 (e) the individual qualifies for release under the written policy described in Subsection
- 689 ~~[(3)]~~ (4) for the county.
- 690 (3) A county jail official may not release an individual from a jail facility if the
- 691 individual is subject to a 72-hour hold placed on the individual by the Department of
- 692 Corrections as described in Subsection 64-13-29(5).
- 693 ~~[(3)]~~ (4) (a) A county sheriff shall create and approve a written policy for the county
- 694 that governs the release of an individual on the individual's own recognizance.
- 695 (b) The written policy shall describe the criteria an individual shall meet to be released
- 696 on the individual's own recognizance.
- 697 (c) A county sheriff may include in the written policy the criteria for release relating to:
- 698 (i) criminal history;
- 699 (ii) prior instances of failing to appear for a mandatory court appearance;
- 700 (iii) current employment;
- 701 (iv) residency;
- 702 (v) ties to the community;
- 703 (vi) an offense for which the individual was arrested;
- 704 (vii) any potential criminal charges that have not yet been filed;
- 705 (viii) the individual's health condition;
- 706 (ix) any potential risks to a victim, a witness, or the public; and
- 707 (x) any other similar factor a sheriff determines is relevant.

708 (5) (a) Except as provided in Subsection (5)(b)(ii), a jail facility shall detain an  
709 individual for up to 24 hours from booking if:  
710 (i) the individual is on supervised probation or parole and that information is  
711 reasonably available; and  
712 (ii) the individual was arrested for:  
713 (A) a violent felony; or  
714 (B) a qualifying domestic violence offense.  
715 (b) The jail facility shall:  
716 (i) notify the entity supervising the individual's probation or parole that the individual  
717 is being detained; and  
718 (ii) release the individual:  
719 (A) to the Department of Corrections if the Department of Corrections supervises the  
720 individual and requests the individual's release; or  
721 (B) if a court or magistrate orders release.  
722 (c) This Subsection (5) does not prohibit a jail facility from holding the individual in  
723 accordance with this chapter for a new criminal offense.  
724 ~~[(4)]~~ (6) [Nothing in this section prohibits] This section does not prohibit a court and a  
725 county from entering into an agreement regarding release.  
726 Section 11. Section **77-20-204** is amended to read:  
727 **77-20-204. County Jail authority to release an individual from jail on monetary**  
728 **bail.**  
729 (1) As used in this section, "eligible felony offense" means a third degree felony  
730 violation under:  
731 (a) Section [23A-4-501](#) or [23A-4-502](#);  
732 (b) Section [23A-5-311](#);  
733 (c) Section [23A-5-313](#);  
734 (d) Title 76, Chapter 6, Part 4, Theft;  
735 (e) Title 76, Chapter 6, Part 5, Fraud;  
736 (f) Title 76, Chapter 6, Part 6, Retail Theft;  
737 (g) Title 76, Chapter 6, Part 7, Utah Computer Crimes Act;  
738 (h) Title 76, Chapter 6, Part 8, Library Theft;

- 739 (i) Title 76, Chapter 6, Part 9, Cultural Sites Protection;
- 740 (j) Title 76, Chapter 6, Part 10, Mail Box Damage and Mail Theft;
- 741 (k) Title 76, Chapter 6, Part 11, Identity Fraud Act;
- 742 (l) Title 76, Chapter 6, Part 12, Utah Mortgage Fraud Act;
- 743 (m) Title 76, Chapter 6, Part 13, Utah Automated Sales Suppression Device Act;
- 744 (n) Title 76, Chapter 6, Part 14, Regulation of Metal Dealers;
- 745 (o) Title 76, Chapter 6a, Pyramid Scheme Act;
- 746 (p) Title 76, Chapter 7, Offenses Against the Family;
- 747 (q) Title 76, Chapter 7a, Abortion Prohibition;
- 748 (r) Title 76, Chapter 9, Part 2, Electronic Communication and Telephone Abuse;
- 749 (s) Title 76, Chapter 9, Part 3, Cruelty to Animals;
- 750 (t) Title 76, Chapter 9, Part 4, Offenses Against Privacy;
- 751 (u) Title 76, Chapter 9, Part 5, Libel; or
- 752 (v) Title 76, Chapter 9, Part 6, Offenses Against the Flag.
- 753 (2) Except as provided in Subsection (7)(a), a county jail official may fix a financial
- 754 condition for an individual if:
  - 755 (a) (i) the individual is ineligible to be released on the individual's own recognizance
  - 756 under Section [77-20-203](#);
  - 757 (ii) the individual is arrested for, or charged with:
    - 758 (A) a misdemeanor offense under state law; or
    - 759 (B) a violation of a city or county ordinance that is classified as a class B or C
    - 760 misdemeanor offense;
  - 761 (iii) the individual agrees in writing to appear for any future criminal proceedings
  - 762 related to the arrest; and
  - 763 (iv) law enforcement has not submitted a probable cause statement to a magistrate; or
  - 764 (b) (i) the individual is arrested for, or charged with, an eligible felony offense;
  - 765 (ii) the individual is not on pretrial release for a separate criminal offense;
  - 766 (iii) the individual is not on probation or parole;
  - 767 (iv) the primary risk posed by the individual is the risk of failure to appear;
  - 768 (v) the individual agrees in writing to appear for any future criminal proceedings
  - 769 related to the arrest; and

770 (vi) law enforcement has not submitted a probable cause statement to a magistrate.

771 (3) A county jail official may not fix a financial condition at a monetary amount that  
772 exceeds:

773 (a) \$5,000 for an eligible felony offense;

774 (b) \$1,950 for a class A misdemeanor offense;

775 (c) \$680 for a class B misdemeanor offense;

776 (d) \$340 for a class C misdemeanor offense;

777 (e) \$150 for a violation of a city or county ordinance that is classified as a class B  
778 misdemeanor; or

779 (f) \$80 for a violation of a city or county ordinance that is classified as a class C  
780 misdemeanor.

781 (4) If an individual is arrested for more than one offense, and the county jail official  
782 fixes a financial condition for release:

783 (a) the county jail official shall fix the financial condition at a single monetary amount;  
784 and

785 (b) the single monetary amount may not exceed the monetary amount under Subsection  
786 (3) for the highest level of offense for which the individual is arrested.

787 (5) Except as provided in Subsection (7)(b), an individual shall be released if the  
788 individual posts a financial condition fixed by a county jail official in accordance with this  
789 section.

790 (6) If a county jail official fixes a financial condition for an individual, law  
791 enforcement shall submit a probable cause statement in accordance with Rule 9 of the Utah  
792 Rules of Criminal Procedure after the county jail official fixes the financial condition.

793 (7) Once a magistrate begins a review of an individual's case under Rule 9 of the Utah  
794 Rules of Criminal Procedure:

795 (a) a county jail official may not fix or modify a financial condition for an individual;  
796 and

797 (b) if a county jail official fixed a financial condition for the individual before the  
798 magistrate's review, the individual may no longer be released on the financial condition.

799 (8) A jail facility may not release an individual subject to a 72-hour hold placed on the  
800 individual by the Department of Corrections as described in Subsection [64-13-29\(5\)](#).

801            ~~[(8)] (9) [Nothing in this section prohibits]~~ This section does not prohibit a court and a  
802 county from entering into an agreement regarding release.

803            Section 12. **Effective date.**

804            If approved by two-thirds of all the members elected to each house, this bill takes effect  
805 upon approval by the governor, or the day following the constitutional time limit of Utah  
806 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,  
807 the date of veto override.